



**Town Council  
Minutes of the January 19, 2017 Regular Meeting**

**Call to Order/Pledge of Allegiance**

Mayor Zoldos called the meeting to order at 7:30 p.m. The meeting was held at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

**Council Members Present**

- Mayor Robert Zoldos II
- Council Member James McIntyre
- Council Member Rob Gentile
- Council Member Mike Senate
- Vice Mayor Tiffaney Carder
- Council Member Kimberly Allar
- Council Member Jennifer Jones

• **Staff Present**

- Town Clerk Harriet West
- Town Manager Laszlo Palko
- Project Manager Karin Fellers
- Zoning Administrator Joshua Bateman
- Utility Director Stephen Gates
- Town Attorney Elizabeth Whiting

Planning Commission Chairman Frank McDonough was also present.

Mayor Zoldos announced there would be no closed session.

**Pledge of Allegiance**

Mayor Zoldos led those assembled in the Pledge of Allegiance.

**Presentations**

A. **Monarch Butterfly Preservation**

Pat Valas gave a presentation on monarch butterflies and requested that the Council take the National Wildlife Federations Mayors' Monarch Pledge. Following discussion, Mayor Zoldos thanked Ms. Valas for her presentation and told her the Council would take this item under consideration.

**Comments from the Public**

Mayor Zoldos called for comments from the public. Vice Mayor Carder read the rules for public comment.

**Jennifer Herrin** lives in New Town Meadows. She said she is concerned about her high water bill and noted there seems to be an anomaly in her neighborhood. Her bill almost doubled. She has been in touch with Town staff about this issue. Her husband has checked everything inside the house and had not found a leak. She has been here for 10 years and never had a water bill double. She has a list of names from other people in the neighborhood with the same problem. Mayor Zoldos discussed her concerns and next steps to identify the cause of the problem. She said she did not pay the bill because she had not heard back from anyone and has now incurred a late fee.

**Sean Staley**, 28 Tritapoe Place, spoke about the back log of minutes and what support is being given to get caught up. He also spoke about the sign ordinance and said he would like to see it enforced. Zoning Administrator Bateman explained that the Town is in the middle of an amendment to the sign ordinance to comply with *Reed vs. Town of Gilbert*. The proposed amendment is currently under legal review and will go to public hearing before the Planning Commission and Town Council.

Mayor Zoldos responded to Mr. Staley's concern about the minutes and said the Council would be discussing this matter at tonight's meeting.

### **Community Presentations**

#### **A. Loudoun County Sheriff's Office**

Deputy LoPreto reported on issues with unlocked vehicles and theft in Town and how to avoid being a target. He responded to the Mayor's question about statistics for Lovettsville and provided updates on the Bridge End robbery and noise concerns at the Mad Horse Brew Pub.

#### **B. Lovettsville Volunteer Fire and Rescue Company**

There was no report.

#### **C. Lovettsville Community Center**

Vice Mayor Carder reported on the upcoming Snowflake Ball.

#### **D. Lovettsville Library**

Vice Mayor Carder reported on upcoming activities.

### **Town Commission and Committee Reports**

#### **A. Lovettsville Planning Commission**

Chairman McDonough reported on the resolution for the Lovettsville Fire and Rescue Company's boundary line adjustment and noted that the motion failed for lack of a second due to concerns with the resolution as the Planning Commission received it. He has since met with the Town Manager and Town Planner and a work session has been scheduled on February 1 to discuss the issues. He also noted that the Planning Commission is working on the sign ordinance. Councilwoman Jones asked if Chairman McDonough could report on the issues regarding the boundary line adjustment. Mr. McDonough said there is broad concern about drive throughs and industrial zoning at the entrance to Town.

#### **Events Committee**

Councilman McIntyre reported on the town-wide sponsorship packet, a new ambassadors program to represent the Town at other local events, the next committee meeting, and scheduling the barn clean up in early February.

- a. Love America – Councilwoman Allar reported that things will kick off early in February for Memorial Day.
- b. Love Spring – There was no report.
- c. Love Summer – Councilwoman Jones reported on sponsor and vendor outreach, the movie and concert schedule, the Oktoberfest concert on July 1, and the next committee meeting.
- d. Love Fall – Councilman McIntyre reported on the pre-Oktoberfest celebration that includes a concert by The Reagan Years on Saturday, July 1 as part of Summer on the Green.
- e. Love Winter – Councilwoman Allar reported on the recent meeting to recap the Love Winter events and noted that planning will begin in July for the Christmas schedule.

#### **B. Business & Tourism Committee**

Councilwoman Jones reported that they are focusing on branding and promoting the Town and events. She noted that the Town will not have a business expo this year but may partner with the Brunswick Business Expo. She said that the Events Coordinator is working on a survey to determine what marketing assistance businesses need. She added that the Ruritans will be at a future Council meeting to discuss Eggstravaganza.

The Council and staff discussed the funding for the third Civil War Trail Sign. Manager Palko reported that the funding is not available in this fiscal year. In response to a question from Mayor Zoldos, Mr. Jim Morgan clarified that the annual maintenance cost is likely to be reduced to \$200 per sign.

Councilman McIntyre spoke about the Loudoun Artisans Trail and designate spot in Town on the trail. He also suggested having a ribbon cutting for the bike station when it opens.

C. Parks & Beautification Committee

Councilman Senate reported on budget preparations and modifications to the clock faces.

Infrastructure, Environment & Utilities Committee

Councilman Gentile reported on the next meeting.

D. Information Flow Committee

Councilman Senate reported on the next meeting. Manager Palko said staff will be presenting options for minutes support.

Deputy LoPreto returned to the meeting and provided additional information about the noise complaint at the Mad Horse Brew Pub. The Sheriff's Department's records showed that no violation was found and the case was closed. Ed Spannaus explained what happened that night regarding the noise complaint. Deputy LoPreto discussed how the complaint process works and the reason the call was closed was because no one was there and nothing was going on. He suggested trying to meet the Deputy on site.

**Additions/Deletions/Modifications to the Agenda**

The following changes were made to the agenda:

- Add an item on the County's Budget Process, time permitting.
- Delete the discussion of the 2016 Annual Report (rescheduled for the following meeting).
- Add an item to discuss minutes support.

**Minutes**

A. March 31, 2016 Special Meeting

**Motion:** I move to accept the Town Council minutes of the March 31, 2016 special meeting circulated for vote January 19, 2017.

**By:** Jones

**Second:** Allar

**Aye:** McIntyre, Senate, Carder, Allar, and Jones

**Nay:** None

**Abstain:** Gentile

**Absent:** None

B. April 7, 2016 Special Meeting

**Motion:** I move to approve the minutes of the April 7, 2016 special meeting as amended.

**By:** McIntyre

**Second:** Jones

**Aye:** McIntyre, Senate, Carder, and Jones

**Nay:** None

**Abstain:** Gentile and Allar

**Absent:** None

C. April 14, 2016 Regular Meeting

**Motion:** I move to accept the minutes of the April 14, 2016 regular meeting as amended.

**By:** McIntyre

**Second:** Allar

**Aye:** McIntyre, Senate, Carder, Allar, and Jones

**Nay:** None

**Abstain:** Gentile

**Absent:** None

D. April 21, 2016 Special Meeting

**Motion:** I move to approve the minutes of the April 21, 2016 special meeting as amended.

**By:** McIntyre

**Second:** Jones

**Aye:** McIntyre, Senate, Carder, Allar, and Jones  
**Nay:** None  
**Abstain:** Gentile  
**Absent:** None

E. April 25, 2016 Special Meeting

**Motion:** I move to approve the minutes of the April 25, 2016 special meeting.  
**By:** Carder  
**Second:** Senate  
**Aye:** McIntyre, Senate, Carder, Allar, and Jones  
**Nay:** None  
**Abstain:** Gentile  
**Absent:** None

There was no report from the Town Attorney or the Town Manager.

**Action/Discussion Items**

**A. Cooper Run Estates Subdivision Bond Replacement**

Zoning Administrator Bateman presented this item. The Council is being asked to consider releasing the existing performance agreement and bond for the Cooper Run Estates Subdivision and accepting a new agreement and bond to guarantee proper installation of the remaining public improvements therein. Following Mr. Bateman's presentation, Vice Mayor Carder made the following motion:

**Motion:** I move to approve Resolution No. 2017-01-0001, as presented, to release the applicant from the existing performance agreement and letter of credit and accept the enclosed performance agreement and letter of credit for the Cooper Run Estates Subdivision in the amount of \$53,231.45 (Attachment 1).  
**Second:** McIntyre  
**Aye:** McIntyre, Gentile, Senate, Carder, Allar, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**B. Performance Bond for Lovettsville Glenn**

Zoning Administrator Bateman presented this item. The Council is being asked to consider acceptance of the performance bond for installation of public improvements for the Lovettsville Glen Subdivision (14 lots) located on the west side of N. Berlin Pike. Following Mr. Bateman's presentation, Councilman Senate made the following motion:

**Motion:** I move to approve Resolution 2017-01-0002, as attached, to accept the performance agreement and irrevocable letter of credit for the Lovettsville Glen Subdivision in the amount of \$809,195.00 (Attachment 2).  
**Second:** Gentile  
**Aye:** McIntyre, Gentile, Senate, Carder, Allar, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** None

**C. Town Agreement to Maintain Private Sidewalks within VDOT Right of Way**

Town Engineer Fellers presented this item. The Council is being asked to agree to sign the Town Covenant of Perpetual Maintenance Agreement if the 7-Eleven signs the 7-Eleven Covenant of Perpetual Maintenance. In addition, since it is expected that VDOT may require similar type agreements in the future, staff further recommends that the Town Council authorize the Town Manager to sign future similar agreements once reviewed and approved by Town Staff and the Town Attorney. Following Ms. Fellers presentation, Councilwoman Jones made the following motion:

**Motion:** I move that Town Council authorize staff and the Town Attorney to develop the necessary Covenant of Perpetual Maintenance Agreements for future private sidewalk connectors within the VDOT ROW and authorize the Mayor or Town Manager to sign the agreements once they are in an acceptable form.

**Second:** Carder

**Aye:** McIntyre, Gentile, Senate, Carder, Allar, and Jones

**Nay:** None

**Abstain:** None

**Absent:** None

**D. Lovettsville Utility Vehicle Recommendations**

Town Manager Palko and Utility Director Gates presented this item. The Council is being asked to consider equipment options for a boom lift, telehandler, bucket truck, and pickup truck. Mr. Gates presented the options and cost estimates. He noted that the extra truck would eliminate the need for the operators to use their personal vehicles. Manager Palko said staff is recommending the option that includes a bucket truck and a pickup truck. He is asking the Council for direction on a preferred option and then he will come back with specific prices. Mr. Gates explained how each option compared with regard to meeting the needs of the Town. Following a lengthy discussion, Councilman Senate made the following motion:

**Motion:** To pursue Option 3 as submitted to us from the water folks and get some details worked out with the Infrastructure Committee and come back to the Town Council.

**Second:** Jones

**Aye:** McIntyre, Gentile, Senate, Carder, Allar, and Jones

**Nay:** None

**Abstain:** None

**Absent:** None

**E. Town Manager Report on Town Water Usage**

Town Manager Palko presented this item. He gave a presentation showing the Town's billing cycle map and usage data since 2012. He noted that 14 of the 24 complaints received over the past month came from residents in New Town Meadows and no leaks were detected. Mr. Gates presented information on possible reasons for residents' high water usage, including leaks from toilets and faucets, hard water, old pipes, and pressure reducing valves (PRVs). He also discussed the Town's water leak check protocol. Mr. Palko highlighted the action steps the Town has taken to address resident's concerns and strategies going forward including, possibly switching over to all radio read meters and increasing the frequency of billing. He noted that these options would have to be examined more closely during the budget process. Mayor Zoldos suggested looking into the system that Leesburg uses to alert residents to high water usage. Ms. Fellers suggest that water softening is best done at the household level, rather than system wide. Mr. Palko presented some resources for leak information and noted that the Town's average household usage is lower than the national average. A discussion ensued about PRVs in New Town Meadows as the potential cause for leaks. Mayor Zoldos said the Council would continue to discuss this further at the next Town Council meeting and he would provide additional information for residents in the Friday email.

**F. County Budget Priorities**

This item was placed on the agenda for the next Town Council meeting.

**G. Minutes Support**

Mayor Zoldos discussed the problem with keeping up with the minutes. Town Clerk West discussed several options that were tried to help with the backlog with none of them being successful. Staff has been researching different audio/video options that would make the meetings more accessible to the public. This information will be presented to the Information Flow Committee and included in the FY 18 budget. Mayor Zoldos suggested using You Tube Live in the interim. Town Attorney Whiting recommended researching this further to determine what the Virginia standards are for that class of

records to determine how long the videos would have to be retained. A discussion ensued about how to proceed with doing this on a trial basis.

**Information Items**

Mayor Zoldos reminded everyone that the 2016 Annual Report was moved to the next meeting. He also suggested placing the Mayors' Monarch Pledge on the agenda for the next meeting.

**Comments from the Mayor and Town Council**

Councilwoman Jones said the next Volunteer Spot will be about how to be an ambassador for your Town.

Vice Mayor Carder mentioned that the next MayFest meeting is January 24.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 10:58 p.m.

Respectfully submitted,



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Harriet West, Town Clerk

Date Approved: September 14, 2017

Attachments:

1. Resolution 2017-01-0001
2. Resolution 2017-01-0002

# Town of Lovettsville

## **Resolution: 2017-01-0001: RELEASE EXISTING PERFORMANCE AGREEMENT AND BOND AND APPROVE A NEW PERFORMANCE AGREEMENT AND BOND SECURING INSTALLATION OF REMAINING PUBLIC IMPROVEMENTS IN COOPER RUN ESTATES SUBDIVISION**

**MOTION: Carder**

**SECOND: McIntyre**

**WHEREAS**, the Lovettsville Town Council on December 11, 2014 approved the performance agreement dated December 11, 2014 tendered by Nighthawk Investments, LLC (hereinafter "the applicant") and irrevocable letter of credit number 20187 dated December 11, 2014 issued by John Marshall Bank in the amount of \$129,304.00 to guarantee satisfactory installation of public improvements within the Cooper Run Estates Subdivision; and

**WHEREAS**, the applicant subsequently received approval of construction drawings and the final plat for the Cooper Run Estates Subdivision and commenced construction of site improvements in accordance with such approval; and

**WHEREAS**, the applicant completed the installation of certain public improvements as required by the approved plans and the subdivision ordinance of the Town of Lovettsville, and on April 1, 2015 requested a reduction in the performance bond for improvements completed to date; and

**WHEREAS**, the Town Council on June 11, 2015 adopted Resolution 2015-06-0001 approving a reduction in the bond amount of \$129,304.00 to the new bond amount of \$53,231.45, and the applicant subsequently tendered the First Amendment to the Irrevocable Letter of Credit No. 20187 having an effective date of June 18, 2015; and

**WHEREAS**, the applicant on January 4, 2017 requested that the existing performance agreement and bond for the Cooper Run Estates Subdivision be released and replaced with a new performance agreement dated December 23, 2016 and irrevocable letter of credit number 13002349-8004 dated December 23, 2016 issued by MVB Bank in the amount of \$53,231.45.

**NOW, THEREFORE, BE IT RESOLVED** that the Lovettsville Town Council hereby releases the applicant from his obligations under the previous performance agreement and letter of credit and hereby approves and accepts the new performance agreement and letter of credit referenced above for the Cooper Run Estates Subdivision and authorizes the Mayor and Town Attorney to sign the performance agreement as appropriate when tendered in a form approved by the Town Attorney.

**VOTE:**

**Ayes: Allar, Carder, Jones, Gentile, McIntyre, and Senate**

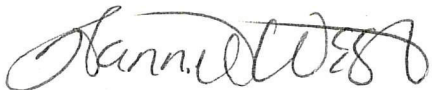
**Nays: None**

**Abstentions: None**

**Absent for Vote: None**

**APPROVED: January 19, 2017**

**CERTIFIED:**



**Harriet West, Town Clerk**



**Robert Zoldos II, Mayor**

*The German Settlement*



# Town of Lovettsville

## **Resolution: 2017-01-0002: APPROVING BOND SECURING PUBLIC IMPROVEMENTS IN THE LOVETTSVILLE GLEN SUBDIVISION**

**MOTION: Senate**

**SECOND: Gentile**

**WHEREAS**, Nighthawk Investments, LLC (hereinafter “the applicant”) has submitted for approval construction drawings for the Lovettsville Glen Subdivision in the Town of Lovettsville and desires to commence construction of site improvements; and

**WHEREAS**, the Town has forwarded the drawings to and received comments from reviewing agencies, and all such comments have been addressed by the applicant through revisions to the construction drawings; and

**WHEREAS**, the Town’s engineering consultant, Christopher Consultants, Ltd., has reviewed the construction drawings and bond estimate forms furnished by the applicant and agrees that the amount of the bond securing proper installation of the public improvements is \$809,195.00 provided that the appropriate performance agreement is entered setting a completion date not later than 24 months from December 23, 2016 and secured by surety acceptable to the Town.

**NOW, THEREFORE, BE IT RESOLVED** that the Lovettsville Town Council hereby approves the recommendation of the Town’s engineering consultant referenced above and authorizes the Mayor to sign the performance agreement and irrevocable letter of credit when tendered in a form acceptable to the Town Attorney.

**VOTE:**

**Ayes: Allar, Carder, Jones, Gentile, McIntyre, and Senate**

**Nays: None**

**Abstentions: None**

**Absent for Vote: None**

**APPROVED: January 19, 2017**

  
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**Robert Zoldos II, Mayor**

**CERTIFIED:**

  
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**Harriet West, Town Clerk**

*The German Settlement*